

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
WICHITA FALLS DIVISION

STATE OF TEXAS;
HARROLD INDEPENDENT
SCHOOL DISTRICT (TX);
STATE OF ALABAMA;
STATE OF WISCONSIN;
STATE OF WEST VIRGINIA;
STATE OF TENNESSEE;
ARIZONA DEPARTMENT
OF EDUCATION;
HEBER-OVERGAARD
UNIFIED SCHOOL DISTRICT (AZ);
PAUL LePAGE, Governor of the
State of Maine;
STATE OF OKLAHOMA;
STATE OF LOUISIANA;
STATE OF UTAH;
STATE OF GEORGIA;
STATE OF MISSISSIPPI,
by and through Governor Phil Bryant;
COMMONWEALTH OF KENTUCKY,
by and through
Governor Matthew G. Bevin,

Plaintiffs,

CIVIL ACTION NO. 7:16-cv-00054-O

EMPLOYMENT OPPORTUNITY §
COMMISSION; VICTORIA A. LIPNIC, §
in her Official Capacity as the Acting §
Chair of the United States Equal §
Employment Opportunity Commission; §
UNITED STATES DEPARTMENT OF §
LABOR; EDWARD HUGLER, in his §
Official Capacity as Acting United §
States Secretary of Labor; and §
DOROTHY DOUGHERTY, in her §
Official Capacity as the Deputy §
Assistant Secretary of Labor for §
the Occupational Safety and Health §
Administration, §
§
Defendants. §

**PLAINTIFFS' NOTICE OF VOLUNTARY DISMISSAL
PURSUANT TO FED. R. CIV. P. 41(a)(1)(A)(i)**

In a Dear Colleague letter dated February 22, 2017, the U.S. Department of Justice and U.S. Department of Education jointly withdrew the statements of policy and guidance reflected in:

- Letter to Emily Prince from James A. Ferg-Cadima, Acting Deputy Assistant Secretary for Policy, Office for Civil Rights at the Department of Education dated January 7, 2015; and
- Dear Colleague Letter on Transgender Students jointly issued by the Civil Rights Division of the Department of Justice and the Department of Education dated May 13, 2016.

The U.S. Department of Justice and U.S. Department of Education also made clear that “[t]he Departments thus will not rely on the views expressed within them.”

Therefore, pursuant to Rule 41(a)(1)(A)(i) of the Federal Rules of Civil Procedure, Plaintiffs hereby give notice that the above-captioned action is voluntarily dismissed, against the Defendants, without prejudice. Plaintiffs reserve the right to reinstitute their claims against Defendants to preserve and defend their sovereign power, authority, and rights, as well as defend the rule of law.

The Court's Preliminary Injunction Order (ECF No. 58) is necessarily dissolved by this dismissal. *See Francis v. Johnson*, 129 F.3d 610 (5th Cir. 1997) (unpublished) (citing 11A Charles Alan Wright et al., *Federal Practice & Procedure* § 2947 at 126 n.19 (2d ed. 1995); *Venezia v. Robinson*, 16 F.3d 209, 211 (7th Cir. 1994)).

Each party will bear its own fees and costs associated with the district-court litigation.

Respectfully submitted this the 3rd day of March, 2017,

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CERTIFICATE OF SERVICE

I, Austin R. Nimocks, hereby certify that on this the 3rd day of March, 2017, a true and correct copy of the foregoing document was transmitted via using the CM/ECF system, which automatically sends notice and a copy of the filing to all counsel of record.

/s/ Austin R. Nimocks
Austin R. Nimocks